



# **Homeland Security Briefing**

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## **HOMELAND SECURITY OVERVIEW**

### **National Homeland Security**

Before the terrorist attacks on September 11, 2001, homeland security activities were spread across more than 40 federal agencies and an estimated 2,000 separate Congressional appropriations accounts. Following the September 11th attacks, President George W. Bush created the U.S. Department of Homeland Security (DHS) to build a safer, more secure, and more resilient America by preventing, deterring, neutralizing, and mitigating the effects of deliberate efforts by terrorists.

### **Homeland Security Structure in Michigan**

The risks posed by all types of hazards, including the threat of terrorist attacks, requires the state of Michigan to implement programs and procedures designed to protect the public, prevent loss of property, and preserve quality of life. In our state, oversight of this process is the responsibility of the Michigan State Police.

Following the national guidelines, Michigan has put in place an extensive homeland security structure to ensure the necessary plans, procedures, systems, and protocols are established before an incident occurs, which is a collaborative effort among all state departments, local jurisdictions, and the private sector. Michigan's homeland security structure also includes a variety of officials, boards, and committees designed to advise and brief the Governor on homeland security policies and critical incidents (*Refer to Tab: Michigan Homeland Security Structure*).

### **Statewide Homeland Security Strategy**

As the realm of homeland security continues to evolve, the state of Michigan recently completed an enhanced five-year Statewide Homeland Security Strategy (SHSS) integrating the state's collective efforts to ensure the health, safety, and welfare for our citizens. The purpose of the SHSS is to identify Michigan-specific hazards; identify and measure preparedness for preventing, protecting against, responding to, and recovering from all types of emergencies; and to allocate resources to effectively manage identified risks.

Michigan's homeland security strategy focuses on supporting local communities with strategic goals and objectives that are based upon the goals and objectives developed within each of the seven Regional Homeland Security Strategies (*Refer to Tab: Michigan Homeland Security Structure*). By focusing the state's strategy on those of the regions', Michigan has a standardized homeland security strategy based on risks, scenarios, and capabilities, and is thoroughly coordinated and integrated among all jurisdictions and disciplines statewide. The SHSS includes strategic goals, objectives, and implementation steps to overcome any preparedness shortfalls within the high priority target capabilities identified by the federal government.

### **Role of the Governor in Emergencies/Disasters**

The governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency. The governor may issue executive orders, proclamations, and directives having the force and effect of law to implement Public Act 390 – Michigan Emergency Management Act.

The governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of a disaster exists. The state of disaster shall continue until the governor finds that the threat or danger has passed, the disaster has been dealt with to the extent that disaster conditions no longer exist, or until the declared state of disaster has been in effect for 28 days

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Upon declaring a state of disaster or a state of emergency, the governor may seek and accept assistance, either financial or otherwise, from the federal government, pursuant to federal law or regulation.

### **Role of Michigan Department of State Police (MSP)**

The Director of the Michigan State Police (MSP) serves as the State Director of Emergency Management and Homeland Security with the responsibility of directing the state's homeland security response activities and initiatives. As stated in the Michigan Emergency Management Act, 1976 PA 390, as amended, and Executive Order Number 2009-52 (*Refer to Appendix: Public Act 390 and Executive Order No. 2009-52 Homeland Security*).

The commander of the MSP Emergency Management and Homeland Security Division (MSP/EMHSD) serves as the Deputy State Director of Emergency Management and Homeland Security with the responsibility of coordinating the state's activities for all emergencies and disasters. As stated in the Michigan Emergency Management Act, 1976 PA 390, as amended, and Executive Order Number 2009-52 (*Refer to Appendix: Public Act 390 and Executive Order No. 2009-52 Homeland Security*).

To ensure Michigan has the necessary capabilities to prevent, respond to, and recover from all types of emergencies, the MSP/EMHSD focuses on a number of areas including strategic planning, intelligence gathering, information sharing, critical infrastructure protection, and federal homeland security grant programs.

### **Role of Governor's Homeland Security Advisor**

The U.S. Department of Homeland Security (DHS) requests each state Governor to appoint a Homeland Security Advisor (HSA) who will serve as their primary point of contact for homeland security policies, briefings during significant terrorist incidents, as well as coordinating the strategic planning of state departments. Currently, this position is filled by a command officer with the Michigan State Police (MSP).

### **State's Fusion Center**

Following the terrorist attacks on September 11, 2001, the U.S. Department of Homeland Security (DHS) recommended states establish fusion centers to create one point of contact to streamline the flow of information from federal agencies to local agencies, and vice-versa.

In 2007, the Michigan Intelligence Operations Center for Homeland Security, known as the MIOC, was established by Executive Order Number 2007-47 to serve as the state's primary fusion center to build-upon existing information sharing practices and to enhance relationships between law enforcement agencies (*Refer Appendix: Executive Order No. 2007-47 MIOC*).

Located within the Michigan State Police, the MIOC operates 24/7 providing a critical link to federal, state, local, and tribal law enforcement agencies in the sharing of critical information as it pertains to all crimes, all threats, and all hazards. The MIOC is a cooperative effort among all levels of government and the private sector, which currently includes personnel representing the MSP, Michigan Department of Transportation (MDOT), Michigan National Guard, FBI, DHS, U.S. Drug Enforcement Administration (DEA), and Michigan State University (MSU) Police Department.

The MIOC's mission is to collect, evaluate, collate, and analyze information and intelligence and then, as appropriate, disseminate this information and intelligence to the proper public safety agencies so that any threat of terrorism or criminal activity will be successfully identified and addressed.

The MIOC is one of 77 fusion centers nationwide to effectively exchange information and intelligence, and improve the ability to fight crime and terrorism by maximizing resources and streamlining operations.

### **Critical Infrastructure Protection**

The incapacity or destruction of our nation's critical infrastructure and key resources (CIKR) would have a debilitating impact on national security, economic stability, and the health and safety of our citizens. With more than 85 percent of our nation's critical infrastructure being owned and operated by the private sector, a strong partnership is essential between the public and private sectors.

The Critical Infrastructure Protection (CIP) Section within the MSP/EMHSD provides the unifying structure for enhancing the protection and resiliency of Michigan's critical infrastructure and key resources by building and maintaining strong relationships between the public and private sectors.

The CIP Section serves as a resource for the owners and operators of critical infrastructure statewide by assisting in conducting vulnerability site assessments, developing mitigation strategies, coordinating training available by the state and federal government, and serving as a liaison with DHS. To enhance information sharing among the public and private sector, Michigan has a CIP Desk in the MIOC responsible for issuing alert notifications on information and intelligence that may have an immediate or long-term impact on critical infrastructure.

In 2008, the Michigan Infrastructure Coordinating Committee (MICC) was formed to help strengthen the partnership between the public and private sectors by directly involving input from both sectors. The MICC consists of members from the public and private sectors as well as representation from all 19 CIKR sectors recognized in Michigan.

Aligned with the national strategy, the Michigan Infrastructure Protection Plan (MIPP) is near completion and will provide the framework for advancing a viable critical infrastructure and key resources protection program for the state of Michigan.

### **Federal Homeland Security Grant Programs**

The U.S. Department of Homeland Security (DHS) provides annual preparedness grants to all states and territories to bolster the nation's protection, prevention, response, and recovery capabilities for potential man-made and natural emergencies.

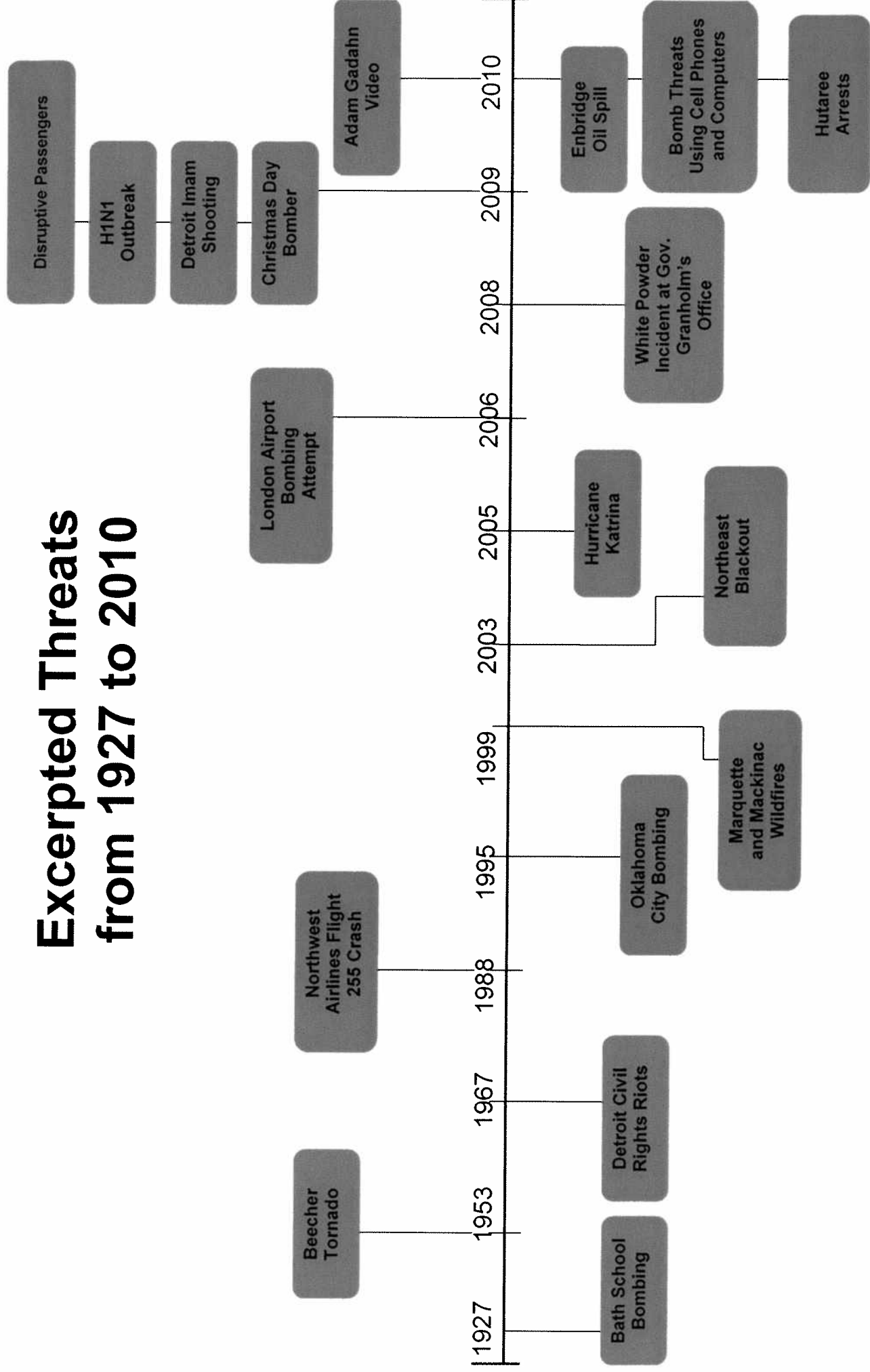
The Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) is the designated State Administrative Agency (SAA) for federal homeland security grants responsible for ensuring funding is spent in accordance with federal guidance and the Statewide Homeland Security Strategy.

During Fiscal Year (FY) 2010, the State of Michigan was awarded more than \$36.1 million, which was the eleventh highest award among all eligible states and territories. Federal preparedness grants help further enable Michigan's emergency responders to protect citizens against threats to our homeland by enhancing security of our borders, critical infrastructures, and nonprofit organizations (*Refer to Appendix: Federal Preparedness Grants*).

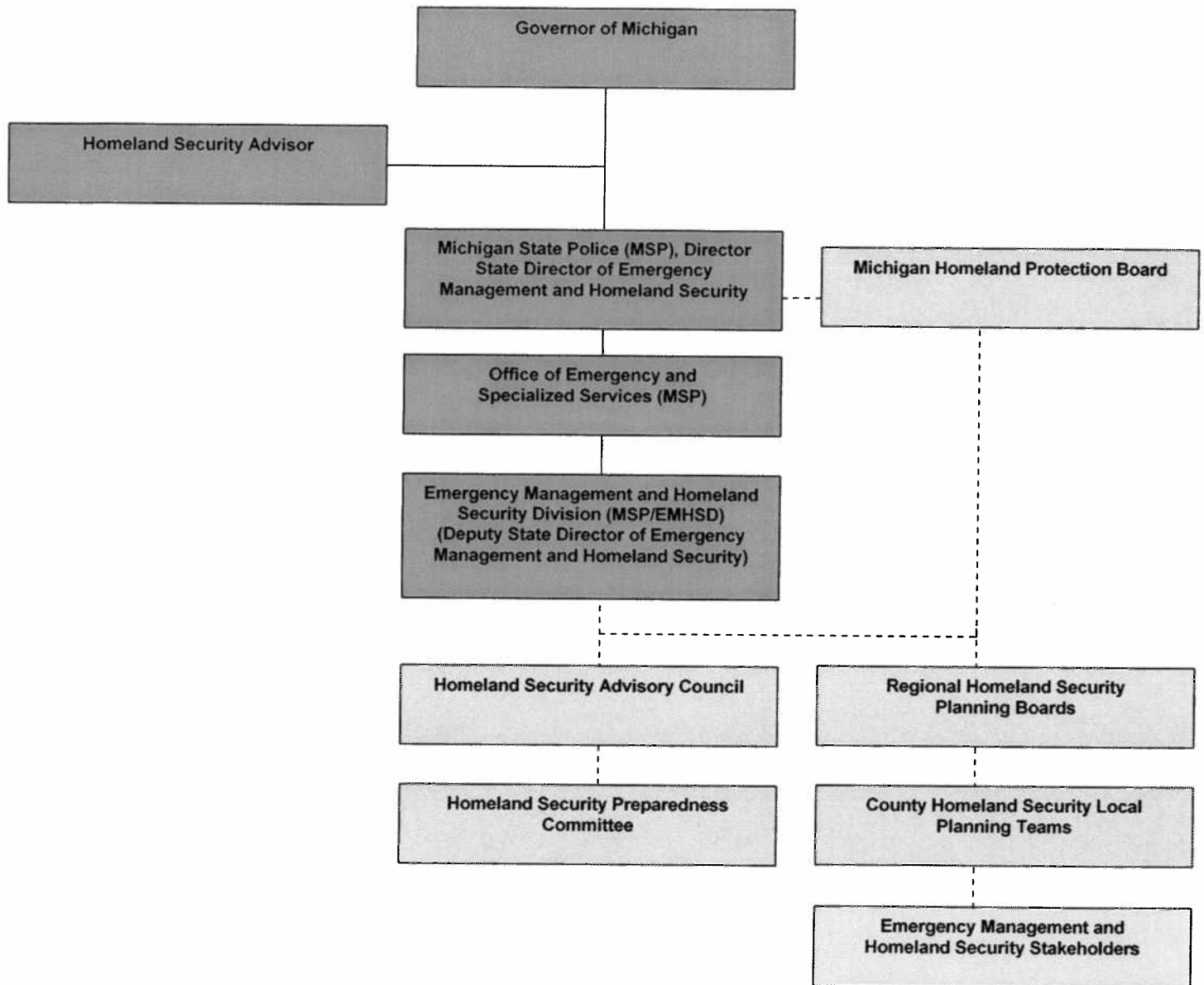
Since all emergencies begin at the local level, more than 80 percent of Michigan's total award is allocated to local and tribal governments. To ensure resources are effectively coordinated among local jurisdictions in each of the state's seven regions, Regional Homeland Security Boards are responsible for reviewing and approving the types of projects that are funded with the federal grants in accordance with their Regional Homeland Security Strategy.

As part of the FY 2010 preparedness grants, Michigan was awarded nearly \$1.4 million under Operation Stonegarden (OPSG) dedicated to supporting law enforcement personnel in securing our shared land borders and waterways with Canada. Michigan received the third highest award among northern border states.

# Excerpted Threats from 1927 to 2010



## Michigan's Emergency Management and Homeland Security Structure





# Michigan Homeland Protection Board

## Membership Roster

2011

Col. Kriste Kibby Etue, Chair	Michigan State Police
Mr. Daniel Krichbaum	Michigan Department of Civil Rights
MG Gregory Vadnais	Michigan Department of Military & Veterans Affairs
Mr. Keith Creagh	Michigan Department of Agriculture
Mr. Kirk Steudle	Michigan Department of Transportation
Ms. Olga Dazza	Michigan Department of Community Health
Mr. Dan Wyant	Michigan Department of Environmental Quality
Mr. John Nixon	Michigan Department of Technology, Management, and Budget

# Homeland Security Preparedness Committee

## Membership Roster

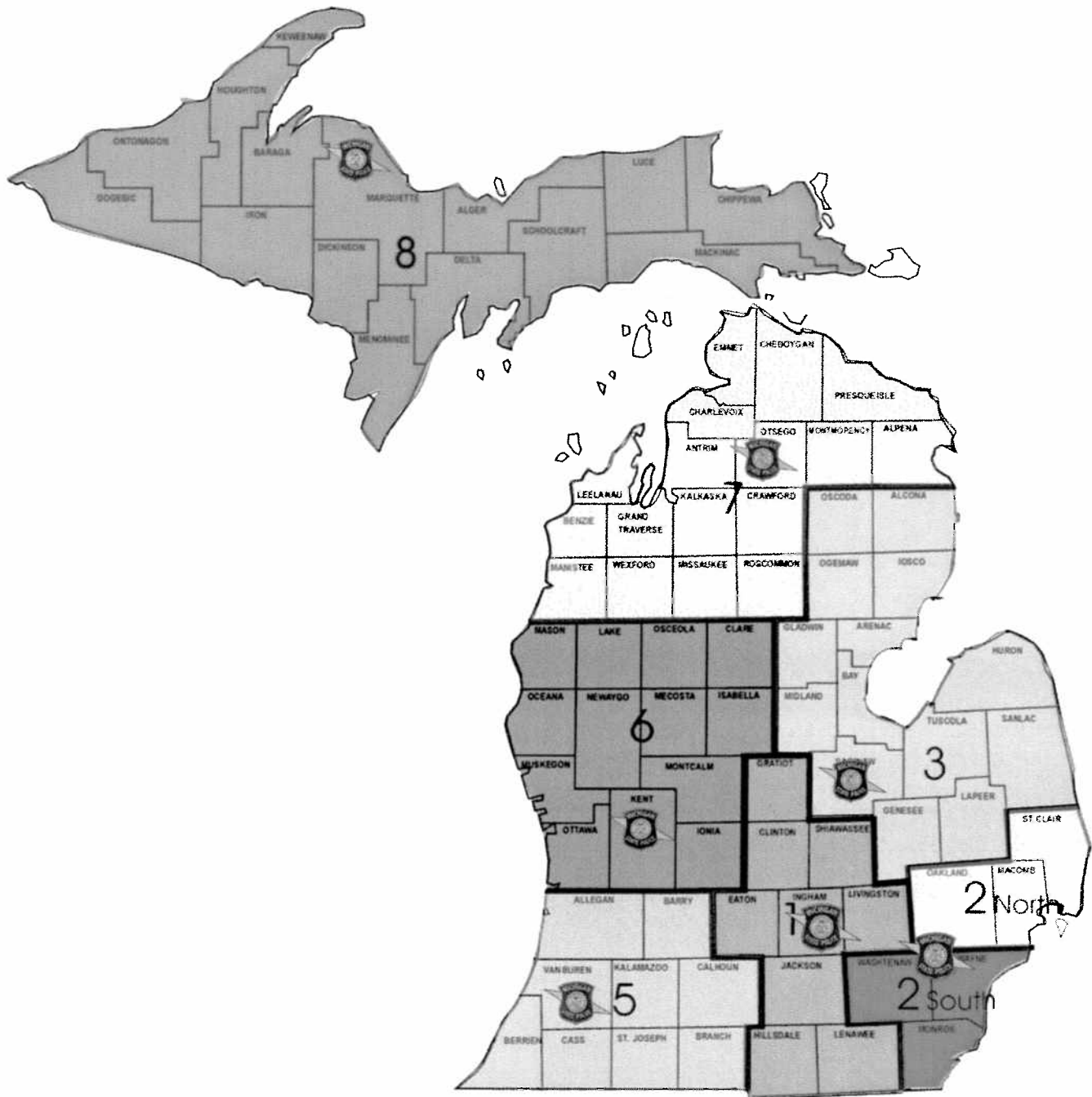
2011

Capt. W. Thomas Sands, Chair	Michigan State Police, Emergency Management & Homeland Security Division
Brad Deacon	Michigan Department of Agriculture
Karen Krzanowski	Michigan Department of Community Health, Office of Public Health Preparedness
Doran Duckworth	Michigan State Police, Emergency Management & Homeland Security Division
Eileen Phifer	Michigan Department of Transportation
Chief Gary Hagler	Michigan Department of Natural Resources
Bradley Stoddard	Michigan Department of Technology, Management, and Budget
Dan Werk	Michigan Department of Human Services
BG Michael Stone	Michigan Department of Military and Veterans Affairs
F/Lt. Ralph Hobrat	Michigan State Police, Emergency Management & Homeland Security Division
Ms. Mary Wichman	Michigan State Police, Emergency Management & Homeland Security Division

# Michigan Homeland Security and Security Advisory Council

Representative	Discipline	Organization
Capt. Thomas Sands, Chair	Emergency Management/HAZMAT	MSP – Emergency Management & Homeland Security
R. Darryl Lundy	Homeland Security/Emergency Mgt.	City of Detroit Homeland Security and Emergency Mgt.
Deputy Chief Mike Bradley	Emergency Management	Berrien County Emergency Management
Mr. James Buford	Emergency Management/UASI	Wayne Co. Homeland Security & Emergency Mgt.
Chief Vic Hilbert	Fire Service	Michigan Association of Fire Chiefs
Mr. George Scrimger	Fire Service	Michigan State Firemen's Association
Mr. Arnold Weinfeld	Government Administrative	Michigan Municipal League
Mr. Tom Mullaney	Government Administrative	Michigan Association of Counties
Mr. Jim Beelen	Government Administrative	Michigan Townships Association
Mr. James Lazar	Representative	Michigan Communications Directors Association (MCDA)
Maj. Charles Bush	Government Administrative	MSP-Office of Emergency and Specialized Services Bureau
Mr. Morgan Brooks	Health Care	Michigan Health and Hospital Association
Mr. David Harvey	Law Enforcement	Michigan Commission on Law Enforcement Standards
Mr. Vincent Parisi	Regional Preparedness Officer	US Department of Homeland Security-FEMA
Mr. Terrence Jungel	Law Enforcement	Michigan Sheriffs' Association
Chief Tim Connor	Law Enforcement	Farmington Hills Police Department
Capt. Gary Nix	Law Enforcement	MSP – Special Operations Division
Mr. Forrest Cooper	Private Security	ASIS International
Dr. Jackie Scott	Public Health	Michigan Department of Community Health
Ms. Linda Scott	Public Health/Healthcare	Michigan Department of Community Health/OPHP
Ms. Pamela Boody	LE/Emergency Mgt./Public Health	MEMA
Ms. Karen Towne	Public Works	Department of Labor & Economic Growth
Mr. Brad Stoddard	Public Safety Communications	Department of Information Technology/MPSCS
Lt. Kyle Bowman	Governor's Homeland Security Advisor	Michigan Department of State Police
Col. William Lixey, USA (Ret)	Strategic Planner	MSP – Emergency Management & Homeland Security/MSU
Mr. Brad Deacon	Food & Agriculture	Michigan Department of Agriculture
Mr. Jason Naim	Government Administrative	Dept. of Management & Budget/Joint Operations Center
Ms. Eileen Phifer	Transportation	Michigan Department of Transportation
Mr. Tony Sanfilippo	Fire Service	Department of Energy, Labor, and Economic Growth/B.F.S.
Mr. Ron Hnilica	Telecommunications/Critical Infrastr.	American Society for Industrial Sec. -Detroit/HS Committee
<b>(VACANT)</b>	Representative	United Tribes of Michigan
Chief Trent Atkins	Emergency Management/Fire Service	Region 1 Board Representative
Ms. Vicki Wolber	Homeland Sec/Emergency Mgt- UASI	Region 2 Board Representative
Mr. Michael Gray	Government Administrative	Region 3 Board Representative
Lt. Paul Baker	Emergency Mgt.	Region 5 Board Representative
Mr. Jack Stewart	Emergency Management	Region 6 Board Representative
Mr. Dan Scott	Emergency Management	Region 7 Board Representative
Mr. Tim McKee	Emergency Management	Region 8 Board Representative
Capt. Fred Midgette	Law Enforcement/EM/HazMat/CIP	U.S. Coast Guard- Detroit
Chief Kay Hoffman	Law Enforcement	Michigan Association of Chiefs of Police
Mr. John Cauley	Not for Profit/Non-Profit (NFPNP)	American Red Cross
Dr. Don Edwards	Emergency Medical Service/Health Care	EMS Coordination Committee
Mr. Emad (Al) Shenouda	Government Administrative	Department of Homeland Security

# Michigan State Police Emergency Management & Homeland Security Division District Coordinator Locations



## Vision Statement

Michigan will be a state where everyone is dedicated to enhancing public safety by improving our ability to prevent, prepare for, respond to, and recover from emergencies, disasters, and threats to our homeland.

## Mission Statement

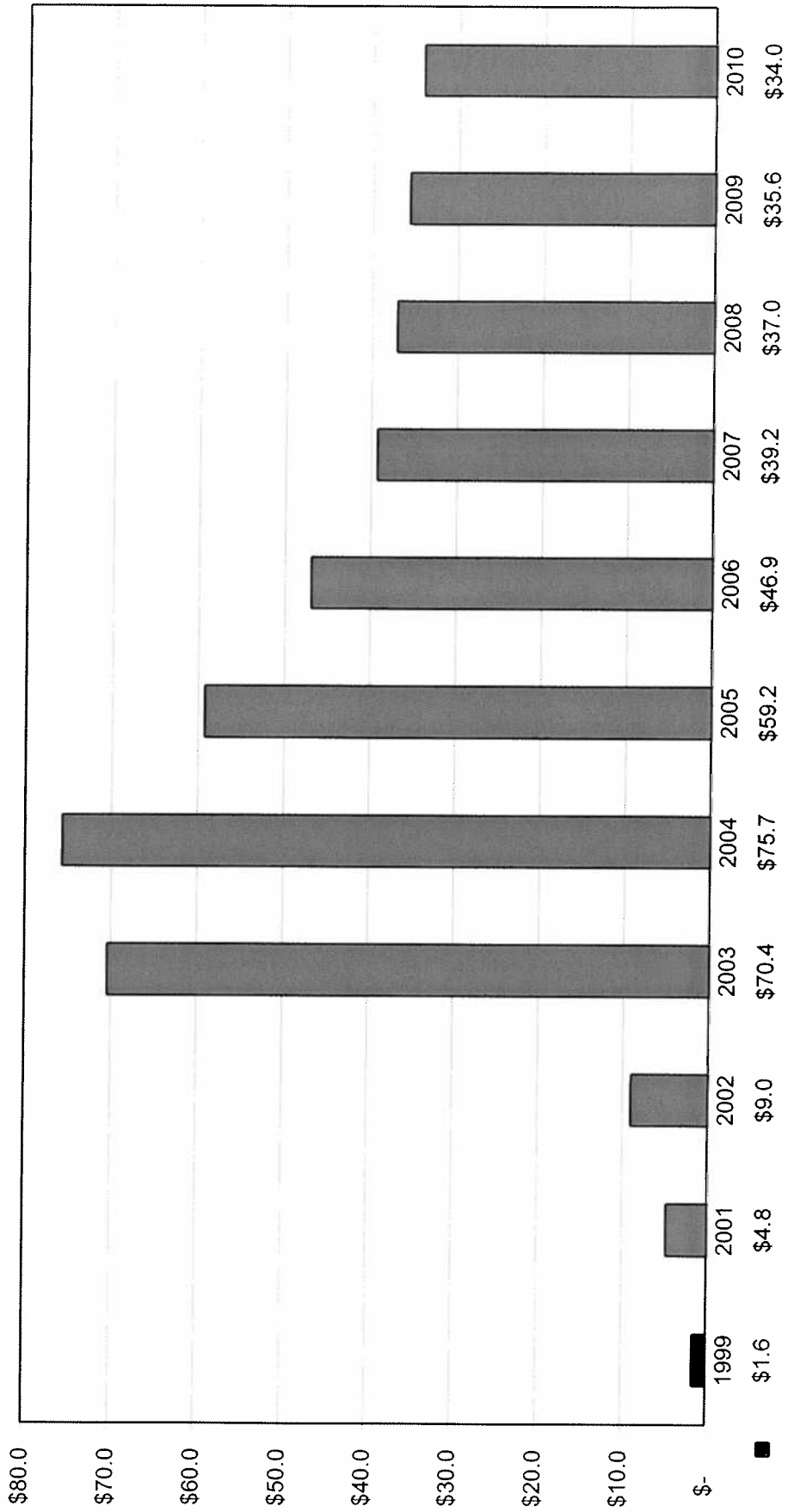
The Emergency Management & Homeland Security Division will foster, promote, and maintain partnerships to protect our state and homeland from all hazards.

## **Michigan Sectors: Critical Infrastructure and Key Resources (CIKR)**

- Agriculture and Food
- Banking and Finance
- Chemical
- Commercial Facilities
- Communications
- Critical Manufacturing
- Dams
- Defense Industrial Base
- Education\*
- Emergency Services
- Energy
- Government Facilities
- Healthcare and Public Health
- Information Technology
- National Monuments and Icons
- Nuclear Reactors, Materials and Waste
- Postal and Shipping
- Transportation Systems
- Water

\*Michigan has identified education as a 19<sup>th</sup> sector for the State of Michigan, which includes grades K-12, universities, and colleges. Education is not recognized as a federal CIKR sector.

**Emergency Management and Homeland Security Division  
Homeland Security Grant Awards  
1999 to 2010 (in millions)**



**Federal Homeland Security Preparedness Grants  
Fiscal Year 2010- Michigan Allocation**

<b>FY 2010 Preparedness Grants- Michigan Allocation</b>	<b>Michigan Allocation Compared Nationally</b>
State Homeland Security Program (SHSP) – \$19.3 million	9 <sup>th</sup> highest award among 56 states/territories
Urban Areas Security Initiative (UASI) – \$13.5 million	3 <sup>rd</sup> highest award among 54 Tier II UASI
Operation Stonegarden (OPSG) – \$1.4 million	8 <sup>th</sup> highest award among 16 states
Metropolitan Medical Response System (MMRS) – \$952,257	7 <sup>th</sup> highest award among 41 states
Citizen Corps Program (CCP) – \$336,470	8 <sup>th</sup> highest award among 28 states/territories
Tribal Homeland Security Grant Program (THSGP) – \$210,500 --Bay Mills Indian Community	14 <sup>th</sup> highest among 24 tribes
UASI Nonprofit Security Grant Program (NSGP) – \$446,487 --Seven nonprofits in the Michigan UASI area received funding	9 <sup>th</sup> highest award among 27 states

**State Homeland Security Program (SHSP)**

This core assistance program provides funds to build capabilities at the state and local levels through planning, equipment, training, and exercise activities. SHSP also supports the implementation of state homeland security strategies and key elements of the national preparedness architecture, including the National Preparedness Goal, the National Incident Management System, and the National Response Plan.

**Urban Areas Security Initiative (UASI)**

The UASI Program provides resources for the unique equipment, training, planning, and exercise needs of high-threat, high-density urban areas. UASI assists in building sustainable capacity to prevent, protect, respond, and recover from acts of terror. The federal government has identified Southeast Michigan as a UASI area.

**Operation Stonegarden (OPSG)**

Operation Stonegarden funding is dedicated to supporting law enforcement personnel in securing our shared international land borders and waterways. Michigan jurisdictions with shared land borders and waterways with Canada are eligible for funding as a part of OPSG.

**Metropolitan Medical Response System (MMRS)**

This program provides funds to local preparedness efforts to respond to all-hazards mass casualty incidents, including Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) terrorism, epidemic disease outbreaks, natural disasters, and large-scale hazardous materials incidents. MMRS funds are allocated to pre-designated jurisdictions by DHS, which include the City of Detroit, Warren, and Grand Rapids.

**Citizen Corps Program (CCP)**

This program provides funds to help bring community and government leaders together to coordinate community involvement in emergency preparedness, planning, mitigation, response, and recovery. Citizen Corps is comprised of five partner programs including Community Emergency Response Teams (CERT), Fire Corps, Medical Reserve Corps, Neighborhood Watch, and Volunteers in Police Service (VIPS).

**Tribal Homeland Security Grant Program (THSGP)**

The Tribal Homeland Security Grant Program provides funds directly to eligible tribes to help strengthen the nation against risks associated with potential terrorist attacks.

**Urban Areas Security Initiative (UASI) Nonprofit Security Grant Program (NSGP)**

The Urban Areas Security Initiative (UASI) Nonprofit Security Grant Program (NSGP) is intended to provide funding support for target hardening activities to nonprofit organizations that are at high-risk of terrorist attack and are located in a designated UASI area. During FY 2010, seven



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

JOHN D. CHERRY, JR.  
LT. GOVERNOR

**EXECUTIVE ORDER  
No. 2007 - 47**

**ESTABLISHING THE  
MICHIGAN INTELLIGENCE OPERATIONS CENTER  
FOR HOMELAND SECURITY**

**DEPARTMENT OF STATE POLICE**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under section 8 of Article V of the Michigan Constitution of 1963, it is the responsibility of the Governor to take care that the laws be faithfully executed;

WHEREAS, the persons, houses, papers, and possessions of every person in Michigan are guaranteed to be secure from unreasonable searches and seizures under Section 11 of Article I of the Michigan Constitution of 1963, and no warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation;

WHEREAS, the State of Michigan has a continuing obligation to take appropriate steps to protect the safety and security of Michigan residents;

WHEREAS, one of the most serious challenges affecting homeland security is the timely exchange of intelligence and other critical information by and among federal, state, and local law enforcement agencies;

WHEREAS, accurate and timely intelligence is a key factor in state government's ability to protect public infrastructure and Michigan residents;

WHEREAS, the creation of a homeland security intelligence fusion center in Michigan will enable the United States Department of Homeland Security to distribute critical information and intelligence to a single point of contact in this state, enabling dissemination to law enforcement agencies that can utilize the information to better protect Michigan residents;



WHEREAS, the purpose of a homeland security intelligence fusion center will be to collect, evaluate, collate, analyze, and disseminate information to support federal, state, and local law enforcement agencies in detecting, preventing, and responding to criminal and terrorist activity while protecting the political and civil rights of Michigan residents;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

## **I. DEFINITIONS**

As used in this Order:

A. "Advisory Board" means the Advisory Board for the Michigan Intelligence Operations Center for Homeland Security created within the Department of State Police under Section III of this Order.

B. "Center" means the Michigan Intelligence Operations Center for Homeland Security created within the Department of State Police under Section II of this Order.

C. "Department of State Police" or "Department" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

## **II. CREATION OF THE MICHIGAN INTELLIGENCE OPERATIONS CENTER FOR HOMELAND SECURITY**

A. The Michigan Intelligence Operations Center for Homeland Security is created within the Department of State Police.

B. The authority, powers, duties, and functions of the Center, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department. The Director of the Department shall direct and supervise the operation of the Center and shall be responsible for developing and implementing the management and operational policies of the Center.

C. Information and intelligence provided to the Center shall be collected, evaluated, collated, analyzed, and disseminated under applicable federal and state laws and regulations.

D. The Center shall comply with any applicable laws, including, but not limited to, 1980 PA 201, MCL 752.1 to 752.6, and the C.J.I.S. Policy Council Act, 1974 PA 163, MCL 28.211 to 28.216.

E. The Department, after consultation with the Advisory Board, shall develop and publish a privacy policy for information and intelligence in the possession of the Center that is designed to protect the political and civil rights of Michigan residents consistent with applicable state and federal law, including, but not limited to, laws and regulations relating to privacy and public access to government information. The privacy policy shall preserve the integrity and effectiveness of law enforcement responsibilities and functions while also assuring that Michigan residents remain protected from the inappropriate use or release of private information.

### **III. CREATION OF THE ADVISORY BOARD FOR THE MICHIGAN INTELLIGENCE OPERATIONS CENTER FOR HOMELAND SECURITY**

A. The Advisory Board for the Michigan Intelligence Operations Center for Homeland Security is created as an advisory body within the Department of State Police.

B. The Advisory Board shall consist of the following 15 members:

1. The Director of the Department of State Police.
2. The Adjutant General or his or her designee from within the Department of Military and Veterans Affairs.
3. The Director of the Department of Civil Rights or his or her designee from within the Department of Civil Rights or from the Civil Rights Commission.
4. The Director of the Department of Corrections or his or her designee from within the Department of Corrections.
5. The following members appointed by the Governor:
  - a. An individual representing local police departments in Michigan or the Michigan Association of Chiefs of Police.
  - b. An individual representing local sheriff's departments in Michigan or the Michigan Sheriffs' Association.
  - c. An individual representing the office of a county prosecuting attorney or the Prosecuting Attorneys Association of Michigan.
  - d. Five Michigan residents representing federal homeland security or law enforcement agencies, such as the United States Department of Homeland Security, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and

Explosives, the United States Attorney's Office for the Eastern District of Michigan, or the United States Attorney's Office for the Western District of Michigan.

e. Three other residents of this state.

C. Of the members of the Advisory Board initially appointed by the Governor under Section III.B.5, 3 members shall be appointed for terms expiring on November 30, 2008, 3 members shall be appointed for terms expiring on November 30, 2009, 3 members shall be appointed for terms expiring on November 30, 2010, and 2 members shall be appointed for terms expiring on November 30, 2011. After the initial appointments, members of the Advisory Board appointed by the Governor under Section III.B.5 shall be appointed for terms of 4 years. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term.

D. The Director of the Department shall serve as the Chairperson of the Advisory Board. The Advisory Board shall annually elect a member of the Advisory Board to serve as Vice-Chairperson of the Advisory Board.

E. The Advisory Board shall be staffed and assisted by personnel from the Department, as directed by the Director of the Department. The budgeting, procurement, and related management functions of the Advisory Board shall be performed under the direction and supervision of the Director of the Department.

F. The Advisory Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations. The Advisory Board shall recommend a privacy policy and management policies and procedures for the Center to comply any applicable laws, including, but not limited to, 1980 PA 201, MCL 752.1 to 752.6, and the C.J.I.S. Policy Council Act, 1974 PA 163, MCL 28.211 to 28.216.

G. A majority of the members of the Advisory Board serving constitutes a quorum for the transaction of the Advisory Board's business. The Advisory Board shall act by a majority vote of its serving members.

H. The Advisory Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Advisory Board.

I. The Advisory Board may establish advisory workgroups composed of representatives of law enforcement agencies participating in Center activities, other law enforcement or public safety agencies, and other public participation as the Advisory Board deems necessary to assist the Advisory Board in its duties and responsibilities. The Advisory Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

J. The Advisory Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Advisory Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

K. Members of the Advisory Board shall serve without compensation. Members of the Advisory Board may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

L. The Advisory Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Advisory Board and the performance of its duties, as the Director of the Department deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

M. The Advisory Board may accept donations of labor, services, or other things of value from any public or private agency or person.

N. Members of the Advisory Board shall refer all legal, legislative, and media contacts to the Department.

#### **IV. MISCELLANEOUS**

A. State departments and agencies shall actively cooperate with the Center and Advisory Board in the performance of their duties and responsibilities under this Order.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

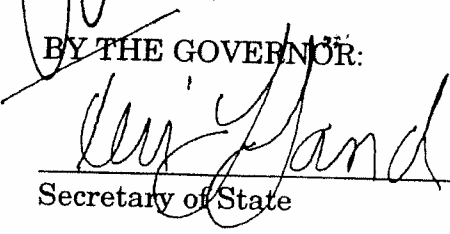
D. This Order is effective upon filing.

Given under my hand and the Great Seal of  
the State of Michigan this 20th day of  
December, in the year of our Lord, two  
thousand seven.



  
JENNIFER M. GRANHOLM  
GOVERNOR

BY THE GOVERNOR:

  
Secretary of State



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

JOHN D. CHERRY, JR.  
LT. GOVERNOR

**EXECUTIVE ORDER**  
**No. 2009 — 52**

**PROTECTING MICHIGAN'S HOMELAND SECURITY**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 12 of Article V, of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection, and repel invasion;

WHEREAS, under Section 171 of the Michigan Military Act, 1967 PA 150, MCL 32.571, the Governor may organize, disband, arrange, transfer, convert, alter, consolidate, or attach units of the military establishment;

WHEREAS, there is a continuing need to assess and evaluate the security of the State of Michigan and to assure that all departments and agencies are communicating and coordinating efforts to address threats to our homeland security;

WHEREAS, it is critical that the Governor be continuously apprised of homeland security issues and be provided the most accurate and prompt information available to ensure that all relevant factors are appropriately weighed in the development and implementation of effective and coordinated homeland security measures;

WHEREAS, changes to Executive Order 2003-6, which established an Assistant Adjutant General for Homeland Security and the Michigan Homeland Protection Board are necessary to reflect organizational changes in state government.

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. DEFINITIONS**

A. "Adjutant General" means the commanding officer of the military establishment of this state under Section 300 of the Michigan Military Act, 1967 PA 150, MCL 32.700, appointed by the Governor under Section 302 of the Michigan Military Act, 1967 PA 150, MCL 32.702.

B. "Board" means the Michigan Homeland Protection Board established by this Order.

C. "Department of Agriculture" means the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

D. "Department of Civil Rights" or "Department" means the principal department of state government created by Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.

E. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health by Executive Order 1996-1, MCL 330.3101.

F. "Department of Environmental Quality" means the principal department of state government created by Executive Order 1995-18, MCL 324.99903.

G. "Department of Information Technology" means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

H. "Department of Military and Veterans Affairs" means the principal department of state government created as the Department of Military Affairs under Section 125 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" by Executive Order 1997-7, MCL 32.91.

I. "Department of Natural Resources and Environment" means the principal department of state government created by Executive Order 2009-45.

J. "Department of State Police" means the principal department of state government created by Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

K. "Department of Transportation" means the principal department of state government created by Section 350 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.450.

## **II. RESCISSION OF EXECUTIVE ORDER 2003-6**

A. Executive Order 2003-6 is rescinded in its entirety. This Order shall not have the effect of reestablishing the Michigan Homeland Security Task Force established by Executive Directive 2002-1 and abolished by Executive Order 2003-6. Executive Directive 2002-1 remains rescinded.

### **III. MICHIGAN HOMELAND PROTECTION BOARD**

A. The Michigan Homeland Protection Board is created as an advisory body to the Governor within the Department of State Police.

B. The Board shall develop, implement, and revise as needed an effective and coordinated homeland security strategy. The Board shall refine and update this state's domestic preparedness and homeland security strategies and shall continue to strengthen this state's capabilities to detect, prepare for, prevent, secure and protect against, respond to, and recover from, any terrorist threats or attacks.

C. The members of the Board shall be the Director of the Department of State Police, the Adjutant General, the Director of the Department of Agriculture, the Director of the Department of Civil Rights, the Director of the Department of Community Health, the Director of the Department of Information Technology, and the Director of the Department of Transportation, or their designees. Before January 17, 2010, the Board also shall include the Director of the Department of Environmental Quality. After January 16, 2010, the Board also shall include the Director of the Department of Natural Resources and Environmental Quality or his or designee.

D. The Director of the Department of State Police shall serve as Chairperson of the Board.

E. The Board may adopt procedures, consistent with Michigan law and this Order, governing its organization and operations. The Board may establish such committees, subcommittees, and workgroups as it deems advisable.

F. The Board shall meet at the call of the Chairperson, or at the request of the Governor, and as may be provided in procedures adopted by the Board.

G. The Board may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. Subject to available funding, the Commission also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

H. The Homeland Security Advisory Council is created to advise the Board and to provide input, advice, and recommendations to the Board on any issues deemed necessary by the Board. The Homeland Security Advisory Council shall consist of the Deputy State Director of Emergency Management and Homeland Security, the Adjutant General or his or her designee from within the Department of Military and Veterans Affairs and other members as directed by the Board. The Deputy State Director of Emergency Management and Homeland



Security Division shall serve as the Chairperson of the Homeland Security Advisory Council.

I. The Homeland Security Advisory Council may, with direction from the Board, appoint advisory groups consisting of government officials and members of the public to solicit input, receive recommendations, and assist in the development of plans and strategies on homeland security issues, including, but not limited to, agriculture and food supply; communications and information technology systems; critical infrastructure protection; energy; hazardous and radioactive materials; key facilities and special events; transportation systems; water systems; public health and hospitals; indications and warnings, response equipment, and exercises; strategic planning; and training and technical assistance.

#### **IV. DEPARTMENT OF STATE POLICE**

A. As required by the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421:

1. The Director of the Department of State Police or his or her designee shall continue to serve as the State Director of Emergency Management and Homeland Security.

2. The Emergency Management and Homeland Security Division within the Department of State Police shall continue to coordinate this state's emergency management activities for all emergencies and disasters.

3. The commanding officer of the Emergency Management and Homeland Security Division shall continue to serve as the Deputy State Director of Emergency Management and Homeland Security.

4. All state departments and agencies shall cooperate with the activities of the Emergency Management and Homeland Security Division of the Department of State Police.

B. The State Director of Emergency Management and Homeland Security shall direct homeland security response activities under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421.

C. The Emergency Management and Homeland Security Division of the Department of State Police shall continue to serve as the focal point for all emergency and disaster response to ensure that response activities are carried out in a coordinated manner.

#### **V. MISCELLANEOUS**

A. The Director of the Department of State Police shall make internal organizational changes within the Department of State Police as may be administratively necessary to implement this Order and to assure that the Governor is provided timely and accurate information and advice regarding homeland security matters and policy.

B. Departments and agencies shall, to the extent permitted by law, make available to the Director of the Department of State Police all information relating to terrorist threats and activities. The Director of the Department of State Police shall encourage and invite the participation of local governments and private entities, as appropriate.

C. Departments and autonomous agencies shall actively support the Michigan Homeland Protection Board by:

1. Assigning key personnel at the request of the Director of the Department of State Police to actively participate in this state's homeland security efforts and to assist in the development and implementation of homeland security strategy, goals, and objectives.

2. Ensuring implementation of Board goals and objectives identified as requiring action by a particular department or agency.

D. The active collaboration in homeland security efforts by all department directors and autonomous agency heads will ensure that this state's emergency management and homeland security system will be better prepared to respond to terrorist threats or attacks.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Order is effective upon filing.



Given under my hand and the Great Seal of  
the State of Michigan this 29th day of  
October in the year of our Lord, two  
thousand nine

  
\_\_\_\_\_  
**JENNIFER M. GRANHOLM**  
**GOVERNOR**

BY THE GOVERNOR:

  
\_\_\_\_\_  
**SECRETARY OF STATE**

FILED WITH SECRETARY OF STATE

ON 10/29/09 AT 1009 AM



EMD PUB 102 (2009)  
EMERGENCY MANAGEMENT AND  
HOMELAND SECURITY DIVISION  
Michigan Department of State Police

# MICHIGAN EMERGENCY MANAGEMENT ACT



**EMERGENCY MANAGEMENT ACT**  
**Act 390 of 1976**

AN ACT to provide for planning, mitigation, response, and recovery from natural and human-made disaster within and outside this state; to create the Michigan emergency management advisory council and prescribe its powers and duties; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe immunities and liabilities; to provide for the acceptance of gifts; and to repeal acts and parts of acts.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2006, Act 267, Imd. Eff. July 7, 2006.

*The People of the State of Michigan enact:*

**30.401 Short title.**

Sec. 1. This act shall be known and may be cited as the “emergency management act”.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

**Compiler’s note:** For transfer of authority, powers, duties, functions, and responsibilities of the Michigan Emergency Management Advisory Council from the Department of State Police to the Director of State Police, as head of the Department of State Police, and the abolishment of the Michigan Emergency Management Advisory Council, see E.R.O. No. 1993-15, compiled at MCL 28.702 of the Michigan Compiled Laws.

**30.402 Definitions.**

Sec. 2. As used in this act:

- (a) “Chief executive official” means:
  - (i) In the case of a county with an elected county executive, the county executive.
  - (ii) In the case of a county without an elected county executive, the chairperson of the county board of commissioners, or the appointed administrator designated by appropriate enabling legislation.
  - (iii) In the case of a city, the mayor or the individual specifically identified in the municipal charter.
  - (iv) In the case of a township, the township supervisor.
  - (v) In the case of a village, the village president or the individual specifically identified in the village charter.
- (b) “Council” means the Michigan emergency management advisory council.
- (c) “Department” means the department of state police.
- (d) “Director” or “state director of emergency management” means the director of the department of state police or his or her designee.
- (e) “Disaster” means an occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.
- (f) “Disaster relief forces” means all agencies of state, county, and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons having duties or responsibilities under this act or pursuant to a lawful order or directive authorized by this act.
- (g) “District coordinator” means the state police emergency management division district coordinator.
- (h) “Emergency” means any occasion or instance in which the governor determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state.
- (i) “Emergency management coordinator” means a person appointed pursuant to section 9 to coordinate emergency management within the county or municipality. Emergency management coordinator includes a civil defense director, civil defense coordinator, emergency services coordinator, emergency program manager, or other person with a similar title and duties.
- (j) “Local state of emergency” means a proclamation or declaration that activates the response and recovery aspects of any and all applicable local or interjurisdictional emergency operations plans and authorizes the furnishing of aid, assistance, and directives under those plans.
- (k) “Michigan emergency management plan” means the plan prepared and maintained by the emergency management division of the department and signed by the governor.
- (l) “Municipality” means a city, village, or township.

(m) "Person" means an individual, partnership, corporation, association, governmental entity, or any other entity.

(n) "Political subdivision" means a county, municipality, school district, or any other governmental unit, agency, body, board, or commission which is not a state department, board, commission, or agency of state government.

(o) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(p) "State of disaster" means an executive order or proclamation that activates the disaster response and recovery aspects of the state, local, and interjurisdictional emergency operations plans applicable to the counties or municipalities affected.

(q) "State of emergency" means an executive order or proclamation that activates the emergency response and recovery aspects of the state, local, and interjurisdictional emergency operations plans applicable to the counties or municipalities affected.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.403 Responsibility of governor; executive orders, proclamations, and directives; declaration, duration, and termination of state of disaster or state of emergency; contents and dissemination of executive order or proclamation.**

Sec. 3. (1) The governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency.

(2) The governor may issue executive orders, proclamations, and directives having the force and effect of law to implement this act. Except as provided in section 7(2), an executive order, proclamation, or directive may be amended or rescinded by the governor.

(3) The governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of a disaster exists. The state of disaster shall continue until the governor finds that the threat or danger has passed, the disaster has been dealt with to the extent that disaster conditions no longer exist, or until the declared state of disaster has been in effect for 28 days. After 28 days, the governor shall issue an executive order or proclamation declaring the state of disaster terminated, unless a request by the governor for an extension of the state of disaster for a specific number of days is approved by resolution of both houses of the legislature. An executive order or proclamation issued pursuant to this subsection shall indicate the nature of the disaster, the area or areas threatened, the conditions causing the disaster, and the conditions permitting the termination of the state of disaster. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be promptly filed with the emergency management division of the department and the secretary of state, unless circumstances attendant upon the disaster prevent or impede its prompt filing.

(4) The governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists. The state of emergency shall continue until the governor finds that the threat or danger has passed, the emergency has been dealt with to the extent that emergency conditions no longer exist, or until the declared state of emergency has been in effect for 28 days. After 28 days, the governor shall issue an executive order or proclamation declaring the state of emergency terminated, unless a request by the governor for an extension of the state of emergency for a specific number of days is approved by resolution of both houses of the legislature. An executive order or proclamation issued pursuant to this subsection shall indicate the nature of the emergency, the area or areas threatened, the conditions causing the emergency, and the conditions permitting the termination of the state of emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and shall be promptly filed with the emergency management division of the department and the secretary of state, unless circumstances attendant upon the emergency prevent or impede its prompt filing.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002

### **30.404 Effect of executive order or proclamation of state of disaster or state of emergency; federal assistance; reciprocal aid agreement or compact; appropriation.**

Sec. 4. (1) An executive order or proclamation of a state of disaster or a state of emergency shall serve to authorize the deployment and use of any forces to which the plan or plans apply and the use or distribution of supplies, equipment, materials, or facilities assembled or stockpiled pursuant to this act.

(2) Upon declaring a state of disaster or a state of emergency, the governor may seek and accept assistance, either financial or otherwise, from the federal government, pursuant to federal law or regulation.

(3) The governor may, with the approval of the state administrative board, enter into a reciprocal aid agreement or compact with another state, the federal government, or a neighboring state or province of a foreign country. A reciprocal aid agreement shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies; engineering services; emergency housing; police services; the services of the national guard when not mobilized for federal service or state defense force as authorized by the Michigan military act, Act No. 150 of the Public Acts of 1967, as amended, being sections 32.501 to 32.851 of the Michigan Compiled Laws, and subject to federal limitations on the crossing of national boundaries by organized military forces; health, medical, and related services; fire fighting, rescue, transportation, and construction services and equipment; personnel necessary to provide or conduct these services; and other necessary equipment, facilities, and services. A reciprocal aid agreement shall specify terms for the reimbursement of costs and expenses and conditions necessary for activating the agreement. The legislature shall appropriate funds to implement a reciprocal aid agreement.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.405 Additional powers of governor; prohibition; disobeying or interfering with rule, order, or directive as misdemeanor.**

Sec. 5. (1) In addition to the general authority granted to the governor by this act, the governor may, upon the declaration of a state of disaster or a state of emergency do 1 or more of the following:

(a) Suspend a regulatory statute, order, or rule prescribing the procedures for conduct of state business, when strict compliance with the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the disaster or emergency. This power does not extend to the suspension of criminal process and procedures.

(b) Utilize the available resources of the state and its political subdivisions, and those of the federal government made available to the state, as are reasonably necessary to cope with the disaster or emergency.

(c) Transfer the direction, personnel, or functions of state departments, agencies, or units thereof for the purpose of performing or facilitating emergency management.

(d) Subject to appropriate compensation, as authorized by the legislature, commandeer or utilize private property necessary to cope with the disaster or emergency.

(e) Direct and compel the evacuation of all or part of the population from a stricken or threatened area within the state if necessary for the preservation of life or other mitigation, response, or recovery activities.

(f) Prescribe routes, modes, and destination of transportation in connection with an evacuation.

(g) Control ingress and egress to and from a stricken or threatened area, removal of persons within the area, and the occupancy of premises within the area.

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

(i) Provide for the availability and use of temporary emergency housing.

(j) Direct all other actions which are necessary and appropriate under the circumstances.

(2) Subsection (1) does not authorize the seizure, taking, or confiscation of lawfully possessed firearms or ammunition.

(3) A person who willfully disobeys or interferes with the implementation of a rule, order, or directive issued by the governor pursuant to this section is guilty of a misdemeanor.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2006, Act 545, Imd. Eff. Dec. 29, 2006.

### **30.406 Obligation of person within state; compensation for services or property; record; claims; exceptions.**

Sec. 6. (1) All persons within this state shall conduct themselves and manage their affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public to cope with the effects of a disaster or an emergency. This obligation includes appropriate personal service and the use or restriction of the use of property in time of a disaster or an emergency. This act neither increases nor decreases these obligations but recognizes their existence under the state constitution of 1963, the statutes, and the common law. Compensation for services or for the taking or use of property shall be paid only if obligations recognized herein are exceeded in a particular case and only if the claimant has not volunteered his or her services or property without compensation.

(2) Personal services may not be compensated by the state, or a subdivision or agency of the state, except pursuant to statute, local law, or ordinance.

(3) Compensation for property shall be paid only if the property is taken or otherwise used in coping with a disaster or emergency and its use or destruction is ordered by the governor or the director. A record of all



property taken or otherwise used under this act shall be made and promptly transmitted to the office of the governor.

(4) A person claiming compensation for the use, damage, loss, or destruction of property under this act shall file a claim with the emergency management division of the department in the form and manner prescribed by the division.

(5) If a claimant refuses to accept the amount of compensation offered by the state, a claim may be filed in the state court of claims which court shall have exclusive jurisdiction to determine the amount of compensation due the owner.

(6) This section does not apply to or authorize compensation for either of the following:

(a) The destruction or damaging of standing timber or other property to provide a firebreak.

(b) The release of waters or the breach of impoundments to reduce pressure or other danger from actual or threatened flood.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.407 Powers and duties of director.**

Sec. 7. (1) The director shall implement the orders and directives of the governor in the event of a disaster or an emergency and shall coordinate all federal, state, county, and municipal disaster prevention, mitigation, relief, and recovery operations within this state. At the specific direction of the governor, the director shall assume complete command of all disaster relief, mitigation, and recovery forces, except the national guard or state defense force, if it appears that this action is absolutely necessary for an effective effort.

(2) If the governor has issued a proclamation, executive order, or directive under section 3 regarding state of disaster or state of emergency declarations, section 5 regarding actions directed by the governor, or section 21 regarding heightened state of alert, the director may, with the concurrence of the governor, amend the proclamation or directive by adding additional counties or municipalities or terminating the orders and restrictions as considered necessary.

(3) The director shall comply with the applicable provisions of the Michigan emergency management plan in the performance of the director's duties under this act.

(4) The director's powers and duties shall include the administration of state and federal disaster relief funds and money; the mobilization and direction of state disaster relief forces; the assignment of general missions to the national guard or state defense force activated for active state duty to assist the disaster relief operations; the receipt, screening, and investigation of requests for assistance from county and municipal governmental entities; making recommendations to the governor; and other appropriate actions within the general authority of the director.

(5) In carrying out the director's responsibilities under this act, the director may plan for and utilize the assistance of any volunteer group or person having a pertinent service to render.

(6) The director may issue a directive relieving the donor or supplier of voluntary or private assistance from liability for other than gross negligence in the performance of the assistance.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002

### **30.407a Emergency management division; establishment; purpose; employees; emergency management plan; grants; powers of division; definition.**

Sec. 7a. (1) The department shall establish an emergency management division for the purpose of coordinating within this state the emergency management activities of county, municipal, state, and federal governments. The department shall provide the division with professional and support employees as necessary for the performance of its functions.

(2) The division shall prepare and maintain a Michigan emergency management plan that is a comprehensive plan that encompasses mitigation, preparedness, response, and recovery for this state.

(3) The division shall receive available state and federal emergency management and disaster related grants-in-aid and shall administer and apportion the grants according to appropriately established guidelines to the agencies of this state and local political subdivisions.

(4) The division may do 1 or more of the following:

(a) Promulgate rules that establish standards and requirements for the appointment, training, and professional development of emergency management coordinators.

(b) Promulgate rules that establish standards and requirements for local and interjurisdictional emergency management programs.

(c) Periodically review local and interjurisdictional emergency operations plans.

(d) Promulgate rules that establish standards and requirements for emergency training and exercising

programs and public information programs.

(e) Make surveys of industries, resources, and facilities within this state, both public and private, necessary to carry out the purposes of this act.

(f) Prepare, for issuance by the governor, executive orders, proclamations, and regulations as necessary or appropriate in coping with disasters and emergencies.

(g) Provide for 1 or more state emergency operations centers to provide for the coordination of emergency response and disaster recovery in this state.

(h) Provide for the coordination and cooperation of state agencies and departments with federal and local government agencies and departments in emergency management activities.

(i) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this act and in implementing programs for disaster mitigation, preparation, response, and recovery.

(j) Propose and administer statewide mutual aid compacts and agreements.

(k) Do other activities necessary, incidental, or appropriate for the implementation of this act.

(5) For purposes of this section, the judicial branch of this state is considered a department of state government.

(6) As used in this section, "division" means the emergency management division of the department.

**History:** Add. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002.

### **30.408 Emergency management coordinator; employment or appointment; duties; annexes to emergency management plan; cooperation of state agencies.**

Sec. 8. (1) The director of each department of state government, and those agencies of state government required by the Michigan emergency management plan to provide an annex to that plan, shall serve as emergency management coordinator for their respective departments or agencies. Each director may appoint or employ a designated representative as emergency management coordinator, provided that the representative shall act for and at the direction of that director while functioning in the capacity of emergency management coordinator upon the activation of the state emergency operations center, or the declaration of a state of disaster or emergency. Each department or agency emergency management coordinator shall act as liaison between his or her department or agency and the emergency management division of the department in all matters of emergency management, including the activation of the Michigan emergency management plan. Each department or agency of state government specified in the Michigan emergency management plan shall prepare and continuously update an annex to the plan providing for the delivery of emergency management activities by that agency or the department. The annexes shall be in a form prescribed by the director. The emergency management coordinator shall represent the agency or department head in the drafting and updating of the respective agency's or the department's emergency management annex and in coordinating the agency's or department's emergency management efforts with those of the other state agencies as well as with county and municipal governments.

(2) Upon the declaration of a state of disaster or a state of emergency by the governor, each state agency shall cooperate to the fullest possible extent with the director in the performance of the services that it is suited to perform, and as described in the Michigan emergency management plan, in the prevention, mitigation, response to, or recovery from the disaster or emergency. For purposes of this section, the judicial branch of this state is considered a department of state government and the chief justice of the Michigan supreme court is considered the director of that department.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002

### **30.409 Emergency management coordinator; appointment; duties; eligibility.**

Sec. 9. (1) The county board of commissioners of each county shall appoint an emergency management coordinator. In the absence of an appointed person, the emergency management coordinator shall be the chairperson of the county board of commissioners. The emergency management coordinator shall act for, and at the direction of, the chairperson of the county board of commissioners in the coordination of all matters pertaining to emergency management in the county, including mitigation, preparedness, response, and recovery. In counties with an elected county executive, the county emergency management coordinator may act for and at the direction of the county executive. Pursuant to a resolution adopted by a county, the county boards of commissioners of not more than 3 adjoining counties may agree upon and appoint a coordinator to act for the multicounty area.

(2) A municipality with a population of 25,000 or more shall either appoint a municipal emergency management coordinator or appoint the coordinator of the county as the municipal emergency management coordinator pursuant to subsection (7). In the absence of an appointed person, the emergency management

coordinator shall be the chief executive official of that municipality. The coordinator of a municipality shall be appointed by the chief executive official in a manner provided in the municipal charter. The coordinator of a municipality with a population of 25,000 or more shall act for and at the direction of the chief executive official of the municipality or the official designated in the municipal charter in the coordination of all matters pertaining to emergency management, disaster preparedness, and recovery assistance within the municipality.

(3) A municipality with a population of 10,000 or more may appoint an emergency management coordinator for the municipality. The coordinator of a municipality shall be appointed by the chief executive official in a manner provided in the municipal charter. The coordinator of a municipality with a population of 10,000 or more shall act for and at the direction of the chief executive official or the official designated by the municipal charter in the coordination of all matters pertaining to emergency management, disaster preparedness, and recovery assistance within the municipality.

(4) A municipality having a population of less than 10,000 may appoint an emergency management coordinator who shall serve at the direction of the county emergency management coordinator.

(5) A public college or university with a combined average population of faculty, students, and staff of 25,000 or more, including its satellite campuses within this state, shall appoint an emergency management coordinator for the public college or university. Public colleges or universities with a combined average population of faculty, students, and staff of 10,000 or more, including its satellite campuses within this state, may appoint an emergency management coordinator for the public college or university.

(6) A person is not ineligible for appointment as an emergency management coordinator, or as a member of a county or municipal emergency services or emergency management agency or organization, because that person holds another public office or trust, and that person shall not forfeit the right to a public office or trust by reason of his or her appointment as an emergency management coordinator.

(7) A county coordinator may be appointed a municipal coordinator for any municipality within the county and a municipal coordinator may be appointed a county coordinator.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002

### **30.410 Powers of county and municipality; mutual aid or reciprocal aid agreements or compacts; assistance of emergency management coordinator.**

Sec. 10. (1) Each county and municipality that has appointed an emergency management coordinator under section 9 may do 1 or more of the following:

(a) Direct and coordinate the development of emergency operations plans and programs in accordance with the policies and plans established by the appropriate federal and state agencies. Each department or agency of a county or municipality specified in the emergency operations plan to provide an annex to the plan shall prepare and continuously update the annex providing for emergency management activities, including mitigation, preparedness, response, and recovery, by the department or agency and those other emergency activities the department or agency is specified to coordinate. Emergency operations plans and programs developed under this subsection shall include provisions for the dissemination of public information and local broadcasters shall be consulted in developing such provisions. Emergency operations plans and programs developed under this subdivision shall include local courts.

(b) Declare a local state of emergency if circumstances within the county or municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists and, under a declaration of a local state of emergency, issue directives as to travel restrictions on county or local roads. This power shall be vested in the chief executive official of the county or municipality or the official designated by charter and shall not be continued or renewed for a period in excess of 7 days except with the consent of the governing body of the county or municipality. The declaration of a local state of emergency shall be promptly filed with the emergency management division of the department, unless circumstances attendant upon the disaster prevent or impede its prompt filing.

(c) Appropriate and expend funds, make contracts, and obtain and distribute equipment, materials, and supplies for disaster purposes.

(d) Provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.

(e) Direct and coordinate local multi-agency response to emergencies within the county or municipality.

(f) Appoint, employ, remove, or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other disaster workers.

(g) Appoint a local emergency management advisory council.

(h) If a state of disaster or emergency is declared by the governor, assign and make available for duty the employees, property, or equipment of the county or municipality relating to fire fighting; engineering; rescue;

health, medical, and related services; police; transportation; construction; and similar items or service for disaster relief purposes within or without the physical limits of the county or municipality as ordered by the governor or the director.

(i) In the event of a foreign attack upon this state, waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

(2) For the purpose of providing assistance during a disaster or emergency, municipalities and counties may enter into mutual aid or reciprocal aid agreements or compacts with other counties, municipalities, public agencies, federally recognized tribal nations, or private sector agencies, or all of these entities. A compact entered into pursuant to this subsection is limited to the exchange of personnel, equipment, and other resources in times of emergency, disaster, or other serious threats to public health and safety. The arrangements shall be consistent with the Michigan emergency management plan.

(3) The emergency management coordinator may assist in the development or negotiation, or both, of a mutual aid or reciprocal aid agreement or compact made pursuant to section 4(3) and shall carry out the agreement or compact.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002

**30.411 Powers and duties of personnel of disaster relief forces; liability for personal injury or property damage; right to benefits or compensation; disaster relief workers; immunity; liability and legal obligation of persons owning or controlling real estate or other premises used for shelter; "gross negligence" defined.**

Sec. 11. (1) Personnel of disaster relief forces while on duty are subject to all of the following provisions:

(a) If they are employees of this state, they have the powers, duties, rights, privileges, and immunities of and receive the compensation incidental to their employment.

(b) If they are employees of a political subdivision of this state, regardless of where serving, they have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

(c) If they are not employees of this state or a political subdivision of this state, they are entitled to the same rights and immunities as provided by law for the employees of this state. All personnel of disaster relief forces shall, while on duty, be subject to the operational control of the authority in charge of disaster relief activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

(2) This state, any political subdivision of this state, or the employees, agents, or representatives of this state or any political subdivision of this state are not liable for personal injury or property damage sustained by any person appointed or acting as a member of disaster relief forces. This act does not affect the right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, any pension law, or any act of congress.

(3) This state or a political subdivision of this state engaged in disaster relief activity is not liable for the death of or injury to a person or persons, or for damage to property, as a result of that activity. The employees, agents, or representatives of this state or a political subdivision of this state and nongovernmental disaster relief force workers or private or volunteer personnel engaged in disaster relief activity are immune from tort liability to the extent provided under section 7 of 1964 PA 170, MCL 691.1407. As used in this section, "disaster relief activity" includes training for or responding to an actual, impending, mock, or practice disaster or emergency.

(4) A person licensed to practice medicine or osteopathic medicine and surgery or a licensed hospital, whether licensed in this or another state or by the federal government or a branch of the armed forces of the United States, or an individual listed in subsection (6), who renders services during a state of disaster declared by the governor and at the express or implied request of a state official or agency or county or local coordinator or executive body, is considered an authorized disaster relief worker or facility and is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained. The immunity granted by this subsection does not apply in the event of an act or omission that is willful or gross negligence. If a civil action for malpractice is filed alleging an act or omission that is willful or gross negligence resulting in injuries, the services rendered that resulted in those injuries shall be judged according to the standards required of persons licensed in this state to perform

those services.

(5) An individual listed in subsection (6), during a state of disaster declared by the governor, may practice, in addition to the authority granted by other statutes of this state, the administration of anesthetics; minor surgery; intravenous, subcutaneous, or intramuscular procedure; or oral and topical medication; or a combination of these under the supervision of a member of the medical staff of a licensed hospital of this state, and may assist the staff member in other medical and surgical proceedings.

(6) Subsections (4) and (5) apply to all of the following individuals:

(a) Any of the following, if licensed in this or another state or by the federal government or a branch of the armed forces of the United States:

(i) A registered nurse.

(ii) A practical nurse.

(iii) A nursing student acting under the supervision of a licensed nurse.

(iv) A dentist.

(v) A veterinarian.

(vi) A pharmacist.

(vii) A pharmacist intern acting under the supervision of a licensed pharmacist.

(viii) A paramedic.

(b) A medical resident undergoing training in a licensed hospital in this or another state.

(7) A person owning or controlling real estate or other premises who voluntarily and without compensation grants to this state or a political subdivision of this state a license or privilege, or otherwise permits this state or a political subdivision of this state to inspect, designate, and use the whole or any part or parts of the real estate or other premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster, together with his or her successors in interest, if any, is not civilly liable for negligently causing the death of or injury to any person on or about the real estate or premises under the license, privilege, or permission or for loss or damage to the property of the person.

(8) A person owning or controlling real estate or other premises who has gratuitously granted the use of the real estate or other premises for the purposes stated in this section is legally obligated to make known to the licensee any hidden dangers or safety hazards that are known to the owner or occupant of the real estate or premises that might possibly result in the death or injury or loss of property to a person using the real estate or premises.

(9) As used in this section, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990;—Am. 2002, Act 132, Eff. May 1, 2002;—Am. 2005, Act 321, Imd. Eff. Dec. 27, 2005.

**Administrative rules:** R 30.1 et seq. of the Michigan Administrative Code.

### **30.411a Disaster or emergency relief assistance provided by state employee; unpaid leave of absence; leave of absence with pay; conditions; limitation.**

Sec. 11a. (1) A state employee who is not in the state classified civil service and who is skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross may be granted an unpaid leave of absence from his or her state employment to provide disaster or emergency relief assistance in this state.

(2) A state employee in the state classified civil service who is skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross may be granted a leave of absence from his or her classified employment to provide disaster or emergency relief assistance in this state as authorized by the civil service commission.

(3) In addition to unpaid leave under subsection (1) or (2), an employee of an agency in any branch of state government who is skilled in emergency relief assistance and certified as a disaster services volunteer by the American Red Cross may be granted leave from work with pay for not more than 10 days in any 12-month period to participate in specialized disaster relief services within or outside of this state if all of the following circumstances are present:

(a) The governor or the president of the United States has declared the disaster.

(b) The American Red Cross has requested the services of the employee.

(c) The employee's department head has approved the leave.

(d) If the services are rendered outside the state by an employee in the executive branch, the governor has approved the leave.

(e) If the employee is in the state classified civil service, the civil service commission has approved the leave.

(4) Not more than 50 state employees shall be granted paid leave under subsection (3) during the fiscal year. The governor may increase the limit on the number of state employees who may be granted paid disaster leave during the fiscal year by executive order.

(5) This state shall not penalize or otherwise take adverse employment action against a state employee because the employee takes a leave of absence authorized under this section to provide disaster or emergency relief assistance. However, the state shall recover payment for paid disaster leave from an employee who is granted paid leave under subsection (3) if the employee does not use the leave time for the approved purpose.

**History:** Add. 2006, Act 267, Imd. Eff. July 7, 2006.

### **30.412 Disaster or emergency occurring in county or municipality; procedure; ordinances or rules.**

Sec. 12. (1) If a disaster or an emergency occurs in a county or municipality and is beyond the control of local public or private agencies, the chief executive official of the county or municipality may request the governor to declare that a state of disaster or state of emergency exists in the county or municipality, utilizing the procedure set forth in section 14. The director may order the disaster relief forces of a county or municipality to aid the community. The chief executive official of the municipality or the governing body of the county shall comply with the order of the director and cooperate with the director in matters of emergency management.

(2) A county, municipality, or other agency designated or appointed by the governor may make, amend, and rescind ordinances or rules necessary for emergency management purposes and supplementary to a rule, order, or directive issued by the governor or a state agency exercising a power delegated to it by the governor. The ordinance or rule shall be temporary and, upon the governor's declaration that a state of disaster or state of emergency is terminated, shall no longer be in effect.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.413 Repealed. 1990, Act 50, Imd. Eff. Apr. 6, 1990.**

**Compiler's note:** The repealed section pertained to foreign attack on state.

### **30.414 Assessment of disaster or emergency; findings and recommendations; notice; temporary assistance; action by governor.**

Sec. 14. (1) In the event a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the governor, and the disaster or emergency is considered by the chief executive official of the municipality or the governing body or the county in which it occurs to be beyond the control of the county or municipality, the emergency management coordinator shall immediately contact the district coordinator. The chief executive official of a county shall not request state assistance or a declaration of a state of disaster or a state of emergency for an emergency which has occurred or is occurring solely within the confines of a township, city, or village within the county unless requested to do so by the chief executive official of the affected township, city, or village. The district coordinator, in conjunction with the county or municipal coordinator, shall assess the nature and scope of the disaster or emergency, and they shall recommend the personnel, services, and equipment that will be required for its prevention, mitigation, or relief.

(2) Upon completing the assessment, the district coordinator shall forthwith notify the director of the findings and recommendations. The director shall immediately notify the governor. If the director determines that immediate action is essential to the preservation of life and property, the director may initiate temporary assistance to the affected area as necessary and compatible with the policies and procedures of the Michigan emergency management plan.

(3) The director shall advise the governor of the magnitude of the disaster or emergency. The governor may take the necessary action he or she considers appropriate to mitigate the disaster or emergency. This act shall not be construed to restrain the governor from exercising on his own initiative any of the powers set forth in this act.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.415 Repealed. 2002, Act 132, Eff. May 1, 2002.**

**Compiler's note:** The repealed section pertained to Michigan emergency management advisory council.

### **30.416 Declaration of emergency or major disaster by president; federal grants; agreement pledging state's share.**

Sec. 16. After the president of the United States declares an emergency or a major disaster, as defined in

the disaster relief act of 1974, Public Law 93-288, 88 Stat. 143, to exist in this state, the governor may apply for, accept, and disburse grants from the federal government pursuant to the disaster relief act of 1974. To implement and administer the grant program and to make financial grants, the governor may enter into an agreement with the federal government or any officer, or agency of the federal government, pledging the state's share for the financial grants.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.417 Construction of act.**

Sec. 17. This act shall not be construed to do any of the following:

(a) Interfere with the course or conduct of a labor dispute. However, actions otherwise authorized by this act or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

(b) Interfere with the dissemination of news or comment on public affairs. However, any communications facility or organization, including radio and television stations, wire services, and newspapers, may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster or emergency.

(c) Affect the jurisdiction or responsibilities of law enforcement agencies, fire fighting forces, and units or personnel of the armed forces of the United States when on active duty. However, state, local, and interjurisdictional emergency operations plans shall place reliance upon the forces available for performance of functions related to disasters or emergencies.

(d) Limit, modify, or abridge the authority of the governor to proclaim a state of emergency pursuant to Act No. 302 of the Public Acts of 1945, being sections 10.31 to 10.33 of the Michigan Compiled Laws, or exercise any other powers vested in him or her under the state constitution of 1963, statutes, or common law of this state independent of, or in conjunction with, this act.

(e) Relieve any state or local official, department head, or agency of its normal responsibilities.

(f) Limit or abridge the power, duty, or responsibility of the chief executive official of a county or municipality to act in the event of a disaster or emergency except as expressly set forth in this act.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.418 Disaster contingency fund; creation; administration; accounting; appropriation; expenditures; reimbursement.**

Sec. 18. (1) A disaster contingency fund is created and shall be administered by the director. An annual accounting of expenditures under this act shall be made to the legislature and the legislature shall annually appropriate sufficient funds to maintain the fund at a level not to exceed \$750,000.00 and not less than \$30,000.00.

(2) The director may expend money from the disaster contingency fund upon appropriation for the purpose of paying necessary and reasonable overtime, travel, and subsistence expenses incurred by an employee of an agency of the state acting at the direction of the director in a disaster or emergency related operation, and, with the concurrence of the governor or the governor's designated representative, for other needs required for the mitigation of the effects of, or in response to, a disaster or emergency.

(3) The director may place directly in the disaster contingency fund a reimbursement for expenditures out of the fund received from the federal government, or another source.

(4) If a state of major disaster or emergency is declared by the president of the United States, and when authorized by the governor, an expenditure from the fund may be made by the director upon appropriation to pay the state's matching share of grants as provided by the disaster relief act of 1974, Public Law 93-288, 88 Stat. 143.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

### **30.419 Disaster contingency fund; expenditures when federal assistance not available; application for grant; resolution; rules.**

Sec. 19. (1) Under extraordinary circumstances, upon the declaration of a state of disaster or a state of emergency by the governor and subject to the requirements of this subsection, the governor may authorize an expenditure from the disaster contingency fund to provide state assistance to counties and municipalities when federal assistance is not available. If the governor proclaims a state of disaster or a state of emergency, the first recourse for disaster related expenses shall be to funds of the county or municipality. If the demands placed upon the funds of a county or municipality in coping with a particular disaster or emergency are unreasonably great, the governing body of the county or municipality may apply, by resolution of the local governing body, for a grant from the disaster contingency fund. The resolution shall certify that the affected

county or municipality emergency operations plan was implemented in a timely manner. The resolution shall set forth the purpose for which the assistance is sought, the extent of damages sustained, and certify an exhaustion of local efforts. Assistance grants under this section shall not exceed \$30,000.00 or 10% of the total annual operating budget for the preceding fiscal year of the county or municipality, whichever is less. The assistance under this subsection is to provide grants, excluding reimbursement for capital outlay expenditures, in mitigation of the extraordinary burden of a county or municipality in relation to its available resources.

(2) The director shall promulgate rules governing the application and eligibility for the use of the state disaster contingency fund. Rules that have been promulgated prior to December 31, 1988 to implement this section shall remain in effect until revised or replaced. The rules shall include, but not be limited to, all of the following:

(a) Demonstration of exhaustion of local effort.

(b) Evidence that the applicant is a county that actively maintains an emergency management program, reviewed by and determined to be current and adequate by the emergency management division of the department, before the disaster or emergency for which assistance is being requested occurs. If the applicant is a municipality with a population of 10,000 or more, evidence that the municipality either maintains a separate emergency management program, reviewed by and determined to be current and adequate by the emergency management division of the department, before the disaster or emergency for which assistance is being requested or occurs, or the municipality is incorporated in the county emergency management program.

(c) Evidence that the applicable county or municipal emergency operations plan was implemented in a timely manner at the beginning of the disaster or emergency.

(d) Reimbursement for expenditures shall be limited to public damage and direct loss as a result of the disaster or emergency, or expenses incurred by the applicant for reimbursing employees for disaster or emergency related activities which were not performed as a part of their normal duties, or for other needs required specifically for the mitigation of the effects, or in response to the disaster or emergency.

(e) A disaster assessment team established by the emergency management division of the department has substantiated the damages claimed by the applicant. Damage estimates submitted by the applicant shall be based upon a disaster assessment carried out by the applicant according to standard procedures recommended by the emergency management division.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976;—Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990.

**Administrative rules:** R 30.1 et seq. of the Michigan Administrative Code.

### **30.420 Repeal of MCL 30.221 to 30.233.**

Sec. 20. Act No. 154 of the Public Acts of 1953, as amended, being sections 30.221 to 30.233 of the Compiled Laws of 1970, and Act No. 14 of the Public Acts of 1973, are repealed.

**History:** 1976, Act 390, Imd. Eff. Dec. 30, 1976.

### **30.421 Heightened state of alert; cause; powers of governor; violation as misdemeanor; penalty; civil action; definitions.**

Sec. 21. (1) If good cause exists to believe that terrorists or members of a terrorist organization are within this state or that acts of terrorism may be committed in this state or against a vital resource, the governor may by executive order or proclamation declare a heightened state of alert and subsequently exercise the authority provided in section 3(2) and section 5(1)(b), (c), (e), (f), (g), (h), (i), and (j) in an effort to safeguard the interests of this state or a vital resource, to prevent or respond to acts of terrorism, or to facilitate the apprehension of terrorists or members of a terrorist organization and those acting in concert with them. However, in exercising the authority under section 5(1)(h), the governor shall not suspend or limit the sale, dispensing, or transportation of alcoholic beverages under this section. Within 7 days after declaring a heightened state of alert, the governor shall notify the majority leader and minority leader of the senate and the speaker and minority leader of the house of representatives of the declaration. The governor may utilize the services, facilities, and resources available under this act under a declared state of disaster or emergency. The exercise of those powers shall be consistent with the provisions of the state constitution of 1963 and the federal constitution and may continue until the heightened state of alert is no longer in effect. The heightened state of alert shall continue until the governor finds that the threat or danger has passed, the heightened state of alert has been dealt with to the extent that the heightened state of alert conditions no longer exist, or until the heightened state of alert has been in effect for 60 days. After 60 days, the governor shall terminate the heightened state of alert, unless a request by the governor for an extension of the heightened state of alert for a specific number of days is approved by resolution of both houses of the legislature.

(2) A person shall not willfully disobey or interfere with the implementation of a rule, order, or directive



issued by the governor under this section. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. Notwithstanding any provision in this section, a prosecuting agency shall not prosecute any person or seize any property for conduct presumptively protected by the first amendment to the constitution of the United States in a manner that violates any constitutional provision.

(3) The attorney general or a prosecuting attorney may bring a civil action for damages or equitable relief to enforce the provisions of this act and the orders, rules, or regulations made in conformity with this act.

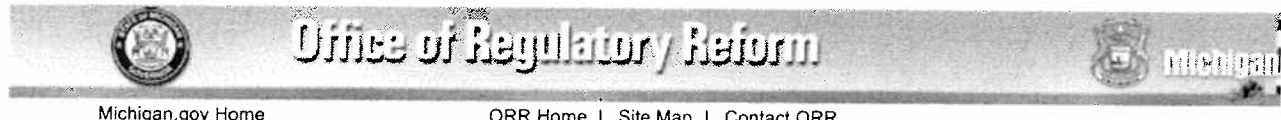
(4) As used in this section:

(a) "Act of terrorism" and "terrorist" mean those terms as defined in section 543b of the Michigan penal code, 1931 PA 328, MCL 750.543b.

(b) "Terrorist organization" means that term as defined in section 543c of the Michigan penal code, 1931 PA 328, MCL 750.543c.

(c) "Vital resource" means a public or private building, facility, property, function, or location, the protection of which is considered necessary to the public health, safety, and welfare and which the governor has designated, in writing, as a vital resource of this state.

**History:** Add. 2002, Act 132, Eff. May 1, 2002.



DEPARTMENT OF STATE POLICE  
EMERGENCY MANAGEMENT DIVISION  
EMERGENCY MANAGEMENT TRAINING

(By authority conferred on the emergency management division, department of state police, by section 7a of Act No. 390 of the Public Acts of 1976, as amended, being S30.407a of the Michigan Compiled Laws)

R 30.31 Definitions.

Rule 1. As used in these rules:

(a) "Division" means the emergency management division of the department of state police.

(b) "Emergency management coordinator" means a person who is appointed pursuant to the provisions of section 9 of Act No. 390 of the Public Acts of 1976, as amended, being S30.409 of the Michigan Compiled Laws, to coordinate all matters pertaining to emergency management, disaster preparedness, and recovery assistance within a county or municipality. In the absence of an appointed person, "emergency management coordinator" means the chairperson of the county board of commissioners or the chief executive official of a municipality.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.32 Training manual.

Rule 2. (1) The division shall develop an emergency management training manual which is consistent with these rules and which sets forth standards and requirements for the training and professional development of emergency management coordinators.

(2) The emergency management training manual shall include all of the following:

(a) A description of the training standards and requirements or accepted equivalent training that is based on the knowledge, skills, and abilities which are necessary to perform the functions of an emergency management coordinator.

(b) The minimum number of hours of instruction.

(c) Provisions for an exam based on the knowledge and concepts taught in the required curriculum.

(d) Application procedures for taking the exam.

(e) Annual training requirements.

(3) The division shall periodically review the emergency management training manual to ensure that the training standards and requirements stated in the manual are in compliance with existing legislation, current knowledge and technology, or both. The manual shall be revised by the division when it determines a need to modify, update, increase, or delete any part of the training standards or requirements.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.33 Use of title "professional emergency manager."

Rule 3. (1) An emergency management coordinator who successfully completes the training requirements as specified in R 30.32 may use the title "professional emergency manager" as designated by the emergency management division.

(2) The division may deny the use of the title "professional emergency manager" by an emergency management coordinator for failure to complete the training requirements as specified in the emergency management training manual.

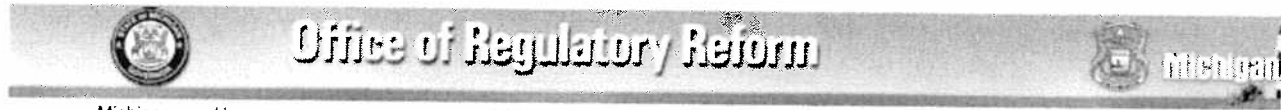
History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.34 Advisory board.

Rule 4. There shall be an advisory board of registration of not more than 9 members created in the department of state police. The board shall advise the emergency management division in matters pertaining to the application and registration of emergency management coordinators as professional emergency managers. The members of this board will serve voluntarily in a manner prescribed by the emergency management division.

History: 1994 MR 3, Eff. Apr. 15, 1994.

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DEPARTMENT OF STATE POLICE

EMERGENCY MANAGEMENT DIVISION

STATE ASSISTANCE TO COUNTIES AND MUNICIPALITIES

(By authority conferred on the director of the department of state police by section 19 of Act No. 390 of the Public Acts of 1976, as amended, being S30.419 of the Michigan Compiled Laws)

R 30.51 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 390 of the Public Acts of 1976, as amended, being S30.401 et seq. of the Michigan Compiled Laws.

(b) "Applicant" means a county or municipality of the state that submits an application for a grant pursuant to the provisions of section 19 of the act.

(c) "Applicant's agent" means a person who is authorized by the governing body of an applicant to act on behalf of the applicant in applying for grants pursuant to the provisions of section 19 of the act.

(d) "Division" means the emergency management division of the department of state police.

(e) "Emergency management program" means any of the following:

(i) A program of a county or a combination of not more than 3 adjoining counties, as provided for in the act, that has all of the following elements:

(A) An emergency management coordinator who is appointed pursuant to the provisions of section 9 of the act.

(B) An ordinance or resolution that creates an emergency management organization to provide for disaster mitigation, preparedness, response, and recovery activities.

(C) An emergency operations plan which is approved by the division, which is on file with the division, and which is in compliance with the standards set forth in R 30.52.

(D) An exercise that tests the emergency operations plan at least once each fiscal year (October 1 to September 30).

(E) An annual local emergency management work agreement form that is filed with, and approved by, the division. This agreement shall, at a minimum, identify the actions to be taken to improve the mitigation, preparedness, response, and recovery activities of the county.

(F) Designated personnel to staff the emergency/disaster functions as identified in the emergency operations plan.

(ii) With respect to a municipality that has a population of 10,000 or more persons, a program that has all of the following elements:

(A) An emergency management coordinator who is appointed pursuant to the provisions of section 9 of the act.

(B) An ordinance or resolution that creates an emergency management organization to provide for disaster mitigation, preparedness, response, and recovery activities.

(C) An approved emergency operations plan which is on file with the division and which is in compliance with the standards set forth in R 30.52.

(D) An exercise that tests the emergency operations plan at least once

each fiscal year (October 1 to September 30).

(E) An annual local emergency management work agreement form that is filed with, and approved by, the division. This agreement shall, at a minimum, identify the actions to be taken to improve the mitigation, preparedness, response, and recovery activities of the municipality.

(F) Designated personnel to staff the emergency/disaster functions as identified in the emergency operations plan.

(iii) A municipality which has a population of 10,000 or more persons and which has incorporated into the county emergency management program. A municipality shall be considered to be incorporated into the county emergency management program if the municipality has a support emergency operations plan that meets the following criteria:

(A) The support emergency operations plan describes the relationship between the county emergency management program and the municipality.

(B) The support emergency operations plan identifies the municipality's response procedures in relation to the county response procedures.

(C) The support emergency operations plan shall be maintained in accordance with the standards of currentness of the county's emergency operations plan and shall be consistent with the county plan.

(D) The support emergency operations plan shall contain the signature of the chief executive official of the municipality and be forwarded to the county.

(iv) A county emergency management program that incorporates, into the program, a municipality which has a population that is less than 10,000 persons and which does or does not have an emergency management coordinator. If a municipality meets the criteria of this subdivision, the municipality is considered to be incorporated into the county emergency management program.

(f) "Emergency operations plan" means the emergency operations plan that is developed and maintained according to standards established by the division.

(g) "Support emergency operations plan" means a plan developed by a municipality that has elected to be incorporated within the county emergency management program. The support emergency operations plan will become part of the county emergency operations plan and shall be compatible with the county plan.

History: 1994 MR 3, Eff. Apr. 15, 1994.

#### R 30.52 Emergency operations plan standards.

Rule 2. (1) A county or municipality shall continuously update its emergency operations plan. The chief executive official shall review and approve the emergency operations plan by signing and dating the document.

(2) An emergency operations plan shall be reviewed and be determined, by the division, to be current and adequate. A current plan is a plan that is in compliance with federal emergency management requirements. An adequate emergency operations plan is one that is determined to be in compliance with the planning requirements contained in forms provided by the division.

(3) Plans that are determined to be current and adequate shall be approved by the division and placed on file.

History: 1994 MR 3, Eff. Apr. 15, 1994.

#### R 30.53 Assistance eligibility.

Rule 3. (1) An applicant that applies for assistance pursuant to the provisions of section 19 of the act shall meet all of the following

eligibility requirements:

(a) Maintain an emergency management program or be incorporated into a county emergency management program that is established before an emergency or disaster, as defined in the act, is declared.

(b) The applicable emergency operations plan shall have been implemented in a timely manner at the beginning of the disaster or emergency.

(c) Certify the exhaustion of local effort. Exhaustion of local effort means utilizing all available and applicable disaster relief forces as identified in the emergency operations plan and applicable support emergency operations plan.

(d) Experience an extraordinary financial burden. During the period of emergency or disaster, extraordinary financial burden shall be demonstrated by the applicant's incurring expenses, over a consecutive 5-day period, for the allowable expenditures specified in R 30.56, in an amount that is not less than \$30,000.00 or 1% of the applicant's affected agencies' annual general fund operating budget, whichever is less.

(e) Conduct an assessment of damages that are incurred in the disaster or emergency and forward an assessment report to the division in accordance with standard procedures as published by the division.

(2) In addition to the requirements specified in subrule (1) of this rule, to be eligible for assistance, a local state of emergency shall have been declared for the applicant's area in a timely manner. A copy of the declaration shall have been immediately forwarded to the division by the most expeditious method available.

History: 1994 MR 3, Eff. Apr. 15, 1994.

#### R 30.54 Application process.

Rule 4. After the governor's declaration of a disaster or an emergency and within 20 days of notification that applications are being accepted, an applicant shall do both of the following:

(a) Provide a resolution that certifies all of the following:

(i) That the county or municipality emergency operations plan was implemented.

(ii) The purpose for which the assistance is being requested.

(iii) That local efforts were exhausted.

(iv) That an extraordinary financial burden was experienced.

(v) The name of the applicant agent who is appointed to act for and on behalf of the applicant.

(b) Complete form EMD-19 entitled "Application for Section 19 Assistance" and submit the application to the division.

History: 1994 MR 3, Eff. Apr. 15, 1994.

#### R 30.55 Review process.

Rule 5. Upon receipt of the resolution and form EMD-19 specified in R 30.54, the division shall, within 15 days, review the package to ensure that it is complete. The division shall determine that all applicant and assistance eligibility requirements have been met. The division shall verify disaster or emergency damages. The division shall return applications with a request for additional information if evidence of eligibility is lacking or if information is insufficient. An applicant shall respond to a request for additional information within 10 days of receipt of the request. Applications that are determined by the division to meet eligibility requirements and contain all necessary information shall be forwarded to the governor for review.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.56 Allowable expenditures.

Rule 6. An eligible applicant for assistance may request reimbursement for resources that are used for the mitigation of the effects of, or in response to, a disaster or emergency, including any of the following:

- (a) Overtime for employees of any of the following:
  - (i) Police department.
  - (ii) Fire department.
  - (iii) Public works department.
  - (iv) County road commission.
  - (v) Emergency medical services.
  - (vi) Other employees who are normally paid overtime.
- (b) Contracts with other political jurisdictions, private enterprise, or other persons, over and above normal contracts, that are required for disaster or emergency response.
- (c) Shelter supplies that are used during a disaster or emergency.
- (d) Gasoline and fuel for equipment that is used for disaster or emergency response.
- (e) Repair costs for equipment that is damaged as a result of use during a disaster or emergency.
- (f) Necessary costs to support designated disaster relief worker volunteers.
- (g) Costs to repair public buildings, road systems, or other facilities that are damaged as a result of the disaster or emergency.
- (h) Other expendable supplies.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.57 Substantiation of claims.

Rule 7. An applicant shall maintain financial records, including all of the following, and make them available to the division upon request:

- (a) Payrolls.
  - (b) Time sheets.
  - (c) Purchase orders.
  - (d) Invoices.
  - (e) Checks.
  - (f) Vouchers.
  - (g) Requisitions.
  - (h) Repair estimates and repair bills.
  - (i) Other documents that will substantiate claims for reimbursement.
- These records shall be maintained for not less than 3 years from the date of the disaster or emergency.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.58 Assistance to applicants.

Rule 8. Assistance pursuant to the provisions of these rules may be provided upon a proclamation of a state of disaster or state of emergency and shall be limited to \$30,000.00 or 10% of the total annual operating budget of the applicant for the preceding year, whichever is less. The amount of financial assistance shall not be more than the expenses that are incurred as a result of the disaster or emergency. Financial assistance from other state or federal programs or from insured costs shall not be duplicated by assistance pursuant to the provisions of these rules.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.59 Availability of funds.

Rule 9. Contingent upon the appropriation of necessary funds by the legislature and upon the governor's approval, the division shall process the approved applications for payment.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.60 Assistance payment.

Rule 10. (1) Approved applicants shall submit proof of payment of all allowable expenditures for which reimbursement is requested to the division.

(2) Upon the division review and approval, and upon approval by the governor, payment shall be authorized.

History: 1994 MR 3, Eff. Apr. 15, 1994.

R 30.61 Rescission.

Rule 11. R 30.1 to R 30.19 of the Michigan Administrative Code, appearing on pages 327 to 332 of the 1979 Michigan Administrative Code, are rescinded.

History: 1994 MR 3, Eff. Apr. 15, 1994.